



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, MNDCT, RR, MNRT, RP, LRE, OLC, LAT**

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* (“the Act”) for:

- an order cancelling the landlord’s 1 Month Notice to End Tenancy given for Cause (“1 Month Notice”) pursuant to section 47 *Act*;
- an order directing the landlords to comply with section 62 of the *Act*;
- a monetary award pursuant to section 67 of the *Act*;
- an order for a rent reduction and for repairs to the rental unit; and
- an order for the landlord to repair the unit pursuant to section 32.

Only the respondent landlord and his son, J.S. attended the hearing. The landlord explained that he was served by way of Canada Post Registered Mail in October 2021. Pursuant to sections 88 and 89 of the *Act*, I find the landlord was served with both the tenant’s application for dispute and evidentiary package.

I waited until 1:40 P.M. in order to enable the applicant tenant to connect with this teleconference hearing scheduled for 1:30 P.M. The landlord and his son who attended the hearing and were given a full opportunity to be heard, to present testimony, to make submissions and to call witnesses.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Commencement of the hearing: The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The landlord explained that the tenant had vacated the rental unit around October 12, 2021, following the issuance of an Order of Possession from the RTB.

Analysis

The tenant's failure to attend this hearing and present evidence he submitted as part of his evidentiary package relating to his application leads me to order that his application is dismissed without liberty to reapply.

I am dismissing without leave to reapply because I find the landlord was duly served with both the application for dispute and evidentiary package in accordance with sections 88 and 89 of the *Act* by way of Canada Post Registered Mail.

The issue of the 1 Month Notice to End Tenancy for Cause is moot as an Order of Possession was previously granted by the RTB on this matter.

Conclusion

The tenant's application is dismissed in its entirety, without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 06, 2022

Residential Tenancy Branch